

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 08-983-WO-US)

In the Application of:)	
Christophe Delesalle et al.)	
)	Examiner: Tung Q. Tran
Serial No.: 10/502,043)	
Now U.S. Pat. No. 7,636,375)	
)	Group Art Unit: 2416
Filing Date: January 19, 2005)	
)	
For: Method for Multimedia Flow Transport)	Confirmation No. 2502
)	
Mail Stop Petition		
Commissioner for Patents		
P.O. Box 1450		
Alexandria, VA 22313-1450		

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Applicant files this request to give the Office a full opportunity for reconsideration of the patent term adjustment (PTA) for the above-referenced patent, as Applicant believes in good faith that 416 days of *Wyeth*-type “B Delay” has been double counted.

On December 23, 2009, Applicant filed a request for reconsideration of PTA to request addition of 491 days of PTA due to B delay, and after accounting for 74 days of overlap, Applicant requested a total of 879 days of PTA. On January 29, 2010, Applicant filed a Request for Recalculation of PTA (*i.e.*, a Form PTO/SB/131).

On April 13, 2010, the Office mailed a decision granting the December 23, 2009 request in part (“the First Decision”), adding 490 days of PTA for B Delay, thus changing the PTA for the above-referenced patent from 462 days to 878 days, for a net of 416 more days of PTA. Shortly thereafter on April 21, 2010, the Office mailed a decision in response to the Form PTO/SB/131 filed January 29, 2010, (“the Second Decision”), adding 416 more days of *Wyeth*-type “B Delay” for the above-referenced patent, for an updated total of 1294 days.

A partial copy of the "Patent Term Adjustment" screen of PAIR is reproduced below, showing an apparent double counting of *Wyeth*-type "B Delay" on December 7, 2008 (shown as 490 days that Applicant believes includes the above-mentioned 74 days of Applicant Delay) and April 12, 2010:

METHOD FOR MULTIMEDIA FLOW TRANSPORT			
Patent Number	6,812,000	Patent Title	Method for Multimedia Flow Transport
Patent Term Adjustment			
Request Date (YYYY-MM-DD)	01-19-2009	USPTO Delay (PTO) Delay (days)	
Issue Date of Patent	10-12-2009	Three Years	
Pre-Issue Pendency (days)	-	Applicant Delay (Applicant Delay) (days)	
Post-Issue Pendency (days)	-	Total Patent Term Adjustment (days)	1294
USPTO Adjustment (days)	-	Expectation Of Claimant	
Patent Term Adjustment History			
Date	Comments/Description	PTO (Days)	Applicant (Days)
01-17-2010	Request Decision - Granted		
01-16-2010	Mail Record a Petition Decision of Granted for Patent Term Adjustment after Issue		
01-13-2010	Issued a Petition Decision of Granted for Patent Term Adjustment after Issue		
01-13-2010	Record a Petition Decision of Granted for Patent Term Adjustment after Issue		
12-27-2009	Petition Entered		
01-12-2009	Adjustment of PTA Calculation by PTO	416	
01-12-2010	Adjustment of PTA Calculation by PTO		
01-26-2010	Petition Entered		
12-10-2009	Recalculation of Patent Grant Handed		
12-02-2009	Issue Notification Mailed		
12-07-2009	PTA 36 Months	490	
12-22-2009	Patent Issue Date used to PTA Calculation		
11-12-2009	Dispatch to PTO		
11-12-2009	Adjustment to Calendar Ready for Issue		
11-09-2009	Issue Plan Payment Verified		
11-05-2009	Issue Plan Payment Received		
09-14-2009	Mail Notice of Allowance		
09-10-2009	Document Verification		
09-10-2009	Notice of Allowance Data Verification Completed		
09-27-2009	Data Forwarded to Examiner		
08-19-2009	Response after Non-Final Action		
02-27-2009	Mail Non-Final Rejection		
02-19-2009	Non-Final Rejection		
12-10-2008	Data Forwarded to Examiner		
12-10-2008	Data Forwarded to Examiner		

Applicant believes that the First Decision is correct, that the Second Decision is in error, and thus believes in good faith that the correct PTA for the above-referenced patent is **878** days. Applicant files this request to give the Office a full opportunity for reconsideration on this point.

Applicant believes no fees are due for this request. Nonetheless, Applicant authorizes the Office to charge any fees associated with this request to Deposit Account No. 132490. The Office is invited to contact the undersigned at (312) 913-3338 as needed concerning this request.

Respectfully submitted,

**McDonnell Boehnen
Hulbert & Berghoff LLP**

Date: May 17, 2010

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